

VIRGINIA COMMISSION ON YOUTH

October 20, 2015

10:00 a.m.

House Room C

MINUTES

Attending:

Delegates Richard Bell, Christopher Peace, Peter Farrell
Senators Barbara Favola, Dave Marsden, Stephen Martin
Citizen members Chuck Slemph, Deirdre Goldsmith

Attending Electronically:

Delegate Mamye BaCote

Not Attending:

Delegates Richard Anderson, Mark Keam, and Citizen Member Frank Royal

Staff Attending

Amy Atkinson, Will Egen, and Leah Mills

I. Call to Order and Opening Remarks

Delegate Christopher K. Peace, Chair

Senator Favola started the meeting and noted that Delegate Peace would be arriving shortly. She asked that the members introduce themselves. Senator Favola noted that Delegate Mamye BaCote was participating electronically and that the Commission followed Freedom of Information Act requirements so Delegate BaCote could participate and vote during the meeting.

II. Early Childhood Charters

Sara Mead, Partner, Policy and Thought Leadership, Bellwether Education Partners

Sara Mead is a Partner with Bellwether Education Partners, a nonprofit dedicated to helping education organizations in the public, private, and nonprofit sectors become more effective in their work and achieve dramatic results, especially for high-need students. Ms. Mead also serves on the District of Columbia Public Charter School Board, which authorizes charter schools in D.C. Ms. Mead presented on her research and analysis of early childhood education and charter schools. Ms. Mead's presentation can be located on the Virginia Commission on Youth's website at October 20 meeting link.

Ms. Mead stated that learning gaps for low-income children emerge as early as 9 months of age and by age three, children in poverty have heard 30 million fewer words than their more affluent peers. Research on universal Pre-K programs in Oklahoma shows that all children benefit from Pre-K, but children in poverty and English language learners reap the greatest benefits.

Ms. Mead informed the Commission that while most states have some charter schools offering Pre-K work, Virginia has none. In Virginia, the Virginia Preschool Initiative (VPI)

pre-dates charter schools. Ms. Mead highlighted the barriers that limit charter Pre-K programs access to state Pre-K funds. Two solutions other states have adopted include allowing charters with public Pre-K to automatically enroll their Pre-K students into kindergarten and ensuring that charter schools have equal access to state Pre-K funds. Delegate Peace inquired whether Ms. Mead had any model legislation that addressed early childhood charters and inclusion in the existing education funding formula. Ms. Mead said yes and that she would be happy to share this model language with the Commission. She stated that Michigan allows preschool funding to be accessed in alternate ways other than through the school division. Some states have authorized contracts between school divisions and private providers. Senator Favola noted that funding would be critical; the Commonwealth puts money aside for early childhood programming and local governments allocate additional funding. She inquired whether there were studies which showed a cost savings to Pre-K. Ms. Mead stated that a study was conducted on Arkansas' Pre-K programming which showed a return on investment because of reductions in grade retention and special education programming. Delegate Peace asked if Ms. Mead would provide information about the study to the Commission. She stated she would be happy to do so.

Senator Marsden inquired whether the charter programs in other states duplicated other local efforts. She noted that most other states had diverse array of providers, including community-based providers. Ms. Mead stated that it was not always cheaper to serve children in private programs because they often lacked institutional support that public programs had. Ms. Mead then discussed the delivery models used by other states to deliver pre-K programming.

Delegate Peace thanked Ms. Mead for her presentation.

III. Student-Athlete Concussions

Amy M. Atkinson, Executive Director, Virginia Commission on Youth

Delegate Peace noted that during the 2015 General Assembly Session, Delegate Luke Torian (House Bill 2006) and Senator Richard Stuart (Senate Bill 998) introduced legislation that would have required each local school division to establish a management plan for implementation of and compliance with its policies and procedures on the identification and handling of suspected concussions in student-athletes. The bills were sent to the Commission on Youth for further study.

Delegate Peace stated that the Commission would be receiving written public comment on the draft recommendations for the student-athlete concussions study through November 20 at 5:00 p.m. Ms. Atkinson's [presentation](#) and the Draft Recommendations can be located on the Virginia Commission on Youth's October 20 meeting link on the Commission's website. Delegate Peace then mentioned a CNN news report of a recent high school football death, which was the sixth football-related death in the U.S. this season. He thanked the Commission staff for studying this important topic.

Ms. Atkinson reviewed the Department of Education's activities regarding student-athlete concussions. In 2010, the General Assembly passed legislation (SB 652 – Northam) which required the Board of Education develop and distribute to local school divisions guidelines for policies dealing with concussions in student-athletes. The legislation also required each school division to develop policies and procedures to inform parents/student-athletes, coaches on the risks and short-and long-term health effects of concussions, criteria for removal from and return to play, and the risks for not reporting

the injury and continuing to play. Each school division was to develop policies and procedures to identify and handle suspected concussions in student-athletes allowing for adequate time to heal and provide support until the student-athlete is symptom free.

Ms. Atkinson also discussed the requirements for each non-interscholastic youth sports program utilizing public school property to establish policies and procedures regarding the identification and handling of suspected concussions in student-athletes. Separate legislation was also adopted (HB 1096 – Filler-Corn) which required the Board of Education to amend its guidelines for school division policies and procedures on concussions in student-athletes to include a "Return to Learn Protocol" with requirements that school personnel (i) be alert to cognitive and academic issues that may be experienced by a student-athlete who has suffered a concussion or other head injury and (ii) accommodate the gradual return to full participation in academic activities by a student-athlete who has suffered a concussion or other head injury. Ms. Atkinson then reviewed the survey results conducted by the Commission. One of the major findings from the survey was that, while the Department of Education had included return to learn provisions in the *Guidelines for Policies on Concussions in Student-Athletes*, there were still school divisions that have not adopted return to learn policies.

Ms. Atkinson also provided an overview of the Student-Athlete Concussion Roundtable that was hosted by the Commission and the Department of Education on September 22. Ms. Atkinson stated that there were over 50 participants/subject-matter experts including university professors, neurologists, school officials, athletic trainers, and sports medicine representatives. The Commission was fortunate because many of the experts who helped develop the Board of Education's *Guidelines for Policies on Concussions in Student-Athletes* attended. Members of the General Assembly were also represented at the Roundtable; Delegate Peace chaired the meeting and Senator Marsden and Ms. Goldsmith were present and represented the Commission. Delegate Filler-Corn also attended the Roundtable.

Senator Marsden stated that the Roundtable was excellent. He then inquired whether a recommendation could be developed so that funds could "follow the student" to ensure they received follow up care. He stated that he felt this was necessary to ensure that funding was available for those students without health insurance so they could receive follow-up treatment after being diagnosed with a concussion. Many schools have access to a team physician, which may be an orthopedist; however, students who have sustained concussions may also need to be seen by other specialists. These students may not receive follow up care if they did not have health insurance. Ms. Atkinson noted that all school athletic programs were funded 100 percent by local school divisions. Ms. Atkinson then asked if Senator Marsden wanted staff to develop a recommendation for a designated funding stream for this purpose. Senator Marsden stated that he did and he wanted the funds to "follow the child" so students could be served regardless of their school division whether the student was attending school in Fairfax or in a more rural school division. Senator Favola asked who would determine whether a student was eligible for these funds. It was suggested that a model could be identified which would help with this recommendation.

Mr. Slemp asked about the draft recommendations addressing legislative changes and best practices. He then asked Ms. Atkinson to elaborate about enforcement of the policies. Ms. Atkinson shared information from other states' and their enforcement efforts. She noted the Roundtable preferred utilizing the Virginia High School League

(VHSL) for these purposes. Many of the coaches are volunteer and the VHSL has implemented training requirements for coaches for participation in interscholastic sports programs. Delegate Peace stated that it was discussed at the Roundtable that many students incur concussions while out of school and that school officials were frequently unaware that these students had concussions. There are long-term negative effects and compounding effects from concussions. Delegate Peace stated that the Governor has made known his intention to increase state funding for K-12. It would be beneficial to share the financial recommendations from this study with the Secretary of Education for consideration for the Governor's proposed budget prior to the close of the comment period. Delegate Peace thanked Ms. Atkinson for her presentation.

IV. Temporary Placements of Children

Delegate Kathy J. Byron, Patron HB 2034

Patrick Neff, Director of Family Placement Services, Patrick Henry Family Services

Delegate Peace stated that the Commission was delighted to have Delegate Byron and Patrick Neff with Patrick Henry Families Services to discuss the Safe Families Program. Delegate Peace thanked Delegate Byron for her leadership on this issue. Following the presentation, the Commission will be voting on the draft recommendation for this study, which if adopted, would authorize a pilot program in the Lynchburg area for the temporary placements of children.

Delegate Byron thanked the Commission and the staff. She offered background about Safe Families and noted that the program which takes an innovative approach to aid families in crisis. It emulates what was once an American standard, providing assistance to those in need from those close to home. It relies on caring volunteers to serve as host families to assist those in short-term crisis and fills a gap by assisting families before a situation deteriorates. Delegate Byron then offered an example of an individual served by the Safe Families Program, a homeless mother who was being housed at the Salvation Army waiting to meet the requirements of a homeless shelter. She was nine months pregnant with an 11-month-old child. The requirements of Salvation Army stated that the mother and her child be out during the daytime, yet she was not at a place where the government could help. Safe Families is beneficial because it minimizes disruption by affording parents the opportunity to have direct influence on the placement of their children absent the fear of termination of parental rights. Under such a program, families are more likely to seek the help they need to strengthen their own lives and the lives of their families. Children can remain in their school and participate in the same after-school activities because the families are in their same community. This can be achieved at a fraction of the cost of placing a child in foster care.

Delegate Byron stated that she hoped the Commission members would support the Draft Recommendation for this Study. Delegate Byron asked the Commission members to consider who they would trust if they were in crisis, the Government, the Courts, or a loving family in their communities. Delegate Byron shared a video about the program. The [video](#) can be accessed on the Commission's October 20 meeting link.

Following the video, Delegate Byron introduced Mr. Neff. Mr. Neff's [presentation](#) is available on the Commission's website under the October 20 meeting link. Mr. Neff introduced Rachel and shared her story with the Commission members. He stated that 27 states have hosted over 20,000 children at no cost to local or state government.

Delegate Farrell asked about background checks and vetting and inquired if Safe Families has its own requirements? Mr. Neff noted that Safe Families follows its own standards, which are based on national standards. Delegate Peace asked if the families screened for Safe Families were also otherwise eligible to participate as foster parents. Mr. Neff stated that they were. He noted that this program does not reduce the number of potential foster families; it actually increases the number of foster families. A number of the children served by the program are unable to return to their homes so the volunteer families have to go on to be licensed as foster families so the children temporarily placed in their care are able to remain with them. Senator Marsden noted that both he and Senator Favola serve on the CASA Board in Fairfax County and although individuals undergo extensive screening and training, there are a significant number of volunteers who will never be assigned to a case because of failing to pass all of the screening requirements. He asked about the percentage of families who were screened out of the program as well as training requirements. Mr. Neff stated that he did not know the number of candidates who were screened out. He stated the creator of Safe Families was from Illinois and the training requirements were designed to mirror those required by child-placing agencies. Senator Favola asked whether host families had access to all the resources that a foster care family has such as Medicaid, mental health services, or assistance should the child has an individualized education program (IEP). Mr. Neff stated that because the families retain custody of the child, they remain in their community so that everything the child previously had in place would continue. If the child did not have these services, Safe Families would connect the family with needed wrap around services. Senator Favola asked Mr. Neff whether Safe Family provided case management services to these families and he responded that Safe Families did provide these services. The average length of stay is between 29 to 45 days because the program's goal is family reunification. Safe Families has family coaches to help connect the biological family with wrap around services they need to get back on their feet. Examples include assisting a parent in obtaining mental health services, providing parent coaching, transporting the parent to the community services board, and/or helping the parent obtain services. When Safe Families identifies a family in need, they conduct an intake to see how they can assist the family. Mr. Neff noted that 90 percent of Safe Families children return home versus 51 percent for children placed in foster care. The average cost per child for Safe Families is \$1,500, for a foster care the average cost per child is \$25,000. The cost for Safe Families is covered through private donations. The average length of stay for a child placed in foster care is 702 days versus 29 days for a child served by Safe Families. Safe Families is different because the program model is based upon helping families prior to crisis.

Mr. Slomp asked whether Safe Families had local department of social services' support. Mr. Neff stated Safe Families has established relationships with the local department and about two years ago, had started working with the Virginia Department of Social Services (VDSS) to establish a Safe Families program in Virginia. However, the licensing side of VDSS had expressed concerns. This recommendation was developed to alleviate these concerns. Delegate Peace noted that the recommendation to be considered by the Commission was brought to the Commission by a working group. Delegate Peace asked Ms. Atkinson to discuss the working group membership and the contributions made by the working group at the appropriate time. Senator Marsden noted he had worked for the juvenile court in Fairfax for 30 years and there was a foster care program affiliated with the court with the goal of keeping youth out of detention. It was very successful and valuable. He asked if there were standards for the caseworkers for Safe Families who interact with the families. Mr. Neff noted that Safe

Families was a volunteer program. There are family coach supervisors that are trained in each location. When a child comes into a family home, a visit is scheduled on the first or second day. Whatever the standards are for foster care, Safe Family implements these same standards. While local departments of social services are required to have monthly visits, Safe Families requires weekly visits because the program works with both the host family and the biological parents so it is best to have more communication and support. Mr. Neff informed Senator Marsden that volunteers or case managers were trained to understand the best interest of the child and the biological parents. Senator Marsden asked about the training provided by Safe Families. Mr. Neff stated that the training emphasizes the best interest of the child.

Mr. Slemp noted that, in his role representing children, he has seen instances when parents frequently do things to punish the other parent. Mr. Slemp asked about the process when one parent executes a power of attorney with the program without the knowledge of the other parent, who may be residing several hours away, what notification is provided to the biological parents to address such "gray areas"? Mr. Neff stated that the families retain custody of the child and the parents be in agreement before Safe Families takes on a case. He added that over the last 14 years the Safe Families program has been operating, there has been no allegations or lawsuits made against the program. Moreover, there has not been any incidents of sex trafficking.

Delegate Peace noted that when a child is in foster care, there are family partnership meeting and goals for the foster care plan are developed along with written goals and expectations of the parents. While Safe Families is different from foster care, is there any similar aspect to the program. Mr. Neff stated the family supervisor would develop a case plan and involve any other impacted parties such as a counselor, etc. The staff monitors the plan weekly because there is usually a lot to do during a short period. Delegate Peace discussed founded cases and unfounded cases in foster care and Safe Families potential role in the system.

Senator Favola asked about funding and whether Safe Families would contract with VDSS to pay for family coaches. Mr. Neff stated that Safe Families was privately funded and not requesting any funding. Safe Families worked with Patrick Henry Family Services which funds the professional side of the program. Senator Favola asked about Safe Families relationship with the local department of social services. Mr. Neff stated the goal of the recommendation was to develop a pilot program and to work with the local department in the development of the program. Senator Favola stated that the budget language would be for VDSS to develop the pilot program and there seems to be a place for these services.

Delegate Peace stated that the Commission would consider the study's proposed findings and recommendation out of order to allow for public comment and so the Commission could then vote.

Ms. Goldsmith noted that this was a faith-based program and asked if there was a requirement for families to attend church. Mr. Neff stated that Safe Families is a faith-based organization so while there were no requirements of that nature, program volunteers were typically committed to the mission of the program. She inquired whether gay couples would be considered for participation. Mr. Neff asked Andrew C. Brown, a senior fellow for child welfare policy with the Foundation for Government Accountability, to answer Ms. Goldsmith's question. Mr. Brown stated that Safe Families

has no prohibition as to who can and cannot participate. The majority of volunteers come from the local faith-based community. Screening was tied to the standards and policies of the program. The parents retain full legal rights and custody. For example, if a Muslim family placed their child with a Christian family, the host family would be responsible for taking the child to mosque for worship as well as following any dietary requirements.

The following individuals offered public comment:

- Andrew Brown offered comments in support of the Recommendation. Mr. Brown referenced a letter of endorsement from the Department of Social Services' Commissioner from Maine. He stated that he is working with West Virginia officials on implementing Safe Families in this state. Safe Families is a volunteer movement to fill the gap when there is no legal reason for a child welfare agency to intervene. He noted that families are reluctant to work with local departments of social services because they are afraid that their children could be removed from their care. Accordingly, the families suffer. Safe Families offers families another option.
- Mr. Neff noted his support for the Recommendation. Patrick Henry would be working with VDSS on the program and he stated he was happy to address any concerns the members may have with the Draft Recommendation.

Senator Martin asked if it would be helpful to endorse the program as a statewide model rather than a pilot. Delegate Byron was amenable to this suggestion and noted that Safe Families was ready to proceed.

Delegate Peace asked the members to turn to the Draft Decision Matrix and consider the Study's Draft Recommendation. Ms. Atkinson informed the Commission that staff had met in Lynchburg with Delegate Byron, representatives from the VDSS licensing unit, Patrick Henry Family Services' representatives, and Commission on Youth staff to discuss the study and issues that needed to be addressed. Another meeting was scheduled in Richmond with Delegate Byron, VDSS, the Office of the Executive Secretary for the Supreme Court of Virginia, the Virginia Poverty Law Center, and Commission on Youth Staff. Voices for Virginia's Children was invited but unable to attend. At this meeting, there were three proposals on the table. One proposal was what Senator Martin discussed, having Safe Families be a statewide program. The next was the version that was amended in the House Courts of Justice Committee but was still a statewide program. The final version was the Recommendation that is currently before the Commission for consideration. Ms. Atkinson noted that the underlined language was clarifying in nature and included in the Draft Recommendation to address concerns noted in public comment.

Senator Favola asked if anyone from VDSS was present and whether they had any concerns with the Draft Recommendation. Carl Ayers with VDSS stated that the Department had no formal position; this is a compromise recommendation to ascertain if the program can operate. Delegate Farrell asked Mr. Ayers to clarify. Mr. Ayers stated the Department had no position. There are two sides, the services portion of the Department believed that this was an appropriate Recommendation; the licensing division believed that licensing protections are already in place and the program does not require a licensing exemption to operate. Senator Favola noted that there may be internal conflict but inquired if the Department was willing to move forward with this Recommendation. Mr. Ayers stated that he participated on the workgroup that developed this Recommendation.

Mr. Slemp thanked Rachel for coming and sharing her story. He stated he read all of the public comments and understood concerns noted in the public comments. However, it is also compelling to hear the discussion about prevention and how families that do not want Department of Social Services' involvement because of their fear that their child will be removed. Mr. Slemp informed the Commission that he observes this in his work with families and stated his interest in seeing how this program does; a pilot program appears to be a great idea.

Delegate Peace noted there were initial concerns with the legislation regarding transferring custody by power of attorney. He stated that Safe Families alleviated this concern. This program is about early intervention and prevention services in the community. He noted his position that it is not helpful that families and children can only be served after a major crisis has occurred.

Senator Martin moved and Delegate Farrell seconded that the Commission adopt Recommendation 1, which was adopted unanimously. Recommendation 1, as adopted, is also referenced below.

1. Request a budget amendment in the 2016 budget (caboose) and new biennial budget for the Department of Social Services to partner with Patrick Henry Family Services to implement a pilot program in the area encompassing Planning District 11 (Amherst, Appomattox, Bedford, Campbell Counties and the City of Lynchburg) for the temporary placements of children for children and families in crisis. This pilot program would allow a parent or legal custodian of a minor, with the assistance of Patrick Henry Family Services, to delegate to another person by a properly executed power of attorney any powers regarding care, custody, or property of the minor for temporary placement for a period that is not greater than 90 days. This program would allow for an option of a one-time 90-day extension. Prior to the expiration of the 180 day period, if the child is unable to return to his home, then Patrick Henry Family Services shall contact the local department of social services and request an assessment of the child and an evaluation of services needed and to determine if a petition to assess the care and custody of the child should be filed in the local juvenile and domestic relations court. DSS shall ensure that this pilot program meets the following specific programmatic and safety requirements outlined in 22 VAC 40-131 and 22 VAC 40-191.
 - The pilot program organization shall meet the background check requirements described in 22 VAC 40-191.
 - The pilot program organization shall provide pre-service and ongoing training for temporary placement providers and staff (22 VAC 40-131-210 and 22 VAC 40-131-150).
 - The pilot program organization shall develop and implement written policies and procedures for governing active and closed cases, admissions, monitoring the administration of medications, prohibiting corporal punishment, ensuring that children are not subjected to abuse or neglect, investigating allegations of misconduct toward children, implementing the child's back-up emergency care plan, assigning designated casework staff, management of all records, discharge policies, and the use of seclusion and restraint (22 VAC 40-131-90).

The Department of Social Services shall evaluate the pilot program and determine if this model of prevention is effective. A report of the evaluation findings and

recommendations shall be submitted to the Governor and Chairs of the House Appropriations and Senate Finance Committees as well as the Commission on Youth by December 1, 2017.

V. The Use of Federal, State, and Local Funds for Private Educational Placements of Students with Disabilities – Year Two

Leah Mills, Senior Policy Analyst

Ms. Atkinson noted that the Commission received a very comprehensive presentation on private education placements of students with disabilities study at our last Commission meeting. This presentation was to provide additional information current expenditure and census data. The Commission will be receiving an update on this study at the December meeting so the members agreed to postpone this presentation to the December meeting for the sake of time.

VI. Decision Matrix

Amy M. Atkinson

The draft recommendations, along with the public comments considered by the Commission, can be accessed on the Commission's website under the October 20 meeting date. The adopted recommendations can also be viewed on the Commission's website.

Delegate Peace noted that the Commission had already voted on the Commission's study – *Temporary Placements of Children*. The Commission will now consider the Draft Recommendations for the Commission's Study – *The Use of Federal, State, and Local Funds for Private Educational Placements of Students with Disabilities – Year Two*. Delegate Peace stated the Commission accepted written public comment on this study. After Ms. Atkinson reviews the Decision Matrix, the Commission will also receive public comment on this study – two minutes per person. After public comment, the Commission members will vote. Ms. Atkinson noted that the adopted joint resolution legislation directing the Commission to study this issue. The final report is due to the General Assembly and the Governor by November 30 of this year.

Ms. Atkinson outlined the Commission's findings and recommendations for the Study – *Use of Federal, State, and Local Funds for Private Educational Placements of Students with Disabilities – Year Two*. She noted that the underlined language in the Draft Recommendations were modifications made by staff based upon the public comment received.

Delegate Peace stated that individuals were signed up to provide public comment. This was important and asked to hear from the individuals who signed up to speak.

The following individuals offered public comment:

- Alex Campbell discussed his experiences and offered comment in support of the Commission's Finding and Recommendations.
- Sean Campbell discussed his son's experiences in school and offered comment in support of the Commission's Findings and Recommendations.
- Kurt Jensen signed up to speak regarding the Commission's *Collection of Evidence-based Practices for Children and Adolescents with Mental Health Treatment Needs*. Delegate Peace asked that he refrain from offering public comment at this time since this study was not being addressed at this meeting.

- Angela Neely with the Virginia Council of Administrators of Special Education (VCASE) supports the use of CSA funds to enhance non-mandated wrap around services to prevent more restrictive special education placements. However, she noted opposition on behalf of VCASE for Finding 3, Recommendation 1. Recommendation 1. She stated that this Recommendation would set back efforts to foster the philosophical foundation of the CSA at the local level.
- Angela Langrehr spoke on behalf of the Virginia ARC. She noted that many of the study issues were very complex and cited to a Joint Legislative Audit and Review Commission study. Delegate Peace referred the members to a letter from the Virginia ARC that was included in their packets.
- Donna Krauss with Stafford County expressed support for Finding 2 requesting the Virginia Department of Education (VDOE) to analyze funding and discussed Stafford County's Public Day program. Ms. Krauss also spoke in support of Finding 3 Recommendation 2 and noted Stafford's willingness to participate on the interagency workgroup.

Delegate Peace asked Ms. Atkinson to refer the members to the Recommendation that Ms. Neely opposed. Ms. Atkinson reviewed Finding 3, Recommendation 1 for the Commission members. Delegate Farrell asked about the rationale behind Recommendation and which stakeholders supported and/or opposed the Recommendation. Ms. Atkinson noted that overall, Children Services' Act (CSA) representatives were in support of this Recommendation whereas school officials opposed the Recommendation. Delegate Farrell expressed his concern that this Recommendation may have unintended consequences.

Delegate Peace noted the Advisory Group was split on this Recommendation and requested this Recommendation be laid on the table. Senator Favola and Delegate Farrell both expressed their agreement. Senator Marsden asked whether this Recommendation would have an adverse impact upon localities that chose to use non-mandated funds. Mr. Scott Reiner with the Office of Children's Services stated that this was not the intent of this Recommendation. Delegate Bell stated that he was part of the Advisory Group and this issue was not unanimous and the Advisory Group was split on the issue.

Recommendation 1 for Finding 3 was removed from the block and laid on the table.

Senator Favola moved and Delegate Farrell seconded that all of the Findings and Recommendations from the study, with the exception of Finding 3 Recommendation 1, be adopted. The motion passed unanimously. The Findings and Recommendations adopted by the Commission at this meeting are listed below.

Finding 1 – There are challenges with using CSA wrap-around services to maintain LRE.

1. Request the SEC revisit existing policy restrictions and budgetary constraints with CSA state pool funds for wrap around services for students with disabilities. This review will include whether the community match rate could be utilized, existing parental co-payment policies for additional services not included in the IEP, and the prohibition on using funds for non-educational services provided by school employees, and make recommendations to improve both utilization and access to these funds to the Commission on Youth by the 2017 General Assembly Session.

Finding 2 – Virginia’s existing special education state funding structure does not adequately meet the needs and increasing numbers of hard-to-serve, special education students.

1. Request VDOE include in its analysis of regional special education programs other states’ funding formulas and policies identified during the course of their study that may be employed in the Commonwealth. VDOE shall also determine the efficacy of Virginia’s regional special education programs and assess whether provisions are needed to revise these programs and if these programs should be expanded to other regions of the Commonwealth. VDOE shall report findings and recommendations to the Commission

Finding 3 – The Utilization and Costs of Private Placements for Special Education Students in Virginia have Increased Significantly.

1. Introduce a budget amendment for VDOE to convene an interagency workgroup to assess the barriers to serving students with disabilities in their local public schools. The workgroup shall assess existing policies and funding formulas including school division’s program requirements, localities’ composite indices, local CSA match rate allocations, local CSA rate setting practices, the impact of caps on support positions, policies for transitioning students back to the public school, and funding for local educational programming based on models which are collaborative and create savings for both local and state government while providing youth an educational option within their communities. Membership shall include a balance of local and state representative, all impacted state agencies, local education agency (LEA) representatives, local CSA representatives, local government officials, local special education administrators, stakeholder organizations, parent representatives, the Arc of Virginia, the Coalition for Students with Disabilities, and members of the Virginia General Assembly. The workgroup shall make recommendations to the Virginia Commission on Youth prior to the 2017 General Assembly Session.
2. Request the Office of Children’s Services (OCS) collaborate with VDOE and include a track in their annual conference on best practices and effective strategies for serving children with disabilities in the least restrictive environments and increase knowledge and understanding on working with students with disabilities, and their parents, as well as improving coordination between schools and CSA.
3. Request the OCS include in its annual training plan strategies best practices and effective strategies for serving children with disabilities in the least restrictive environment and increase knowledge and understanding on working with students with disabilities, and their parents, as well as improving coordination between schools and CSA.

Finding 4 – Virginia’s regional special education programs allow select school divisions to serve students in an additional option in the continuum of placements but the existing structure needs to be re-evaluated.

Recommendation 1 for Finding 2 was adopted by the Commission which addressed the issues set forth in this Finding.

Finding 5 – There is no available data about the effectiveness of CSA-funded private day and residential programs.

1. Request VDOE work with private providers including the Virginia Association of Independent Specialized Education Facilities, the Virginia Council for Private Education, the Virginia Association of Independent Schools, the Southern Association of Colleges and Schools, the Virginia Coalition of Private Provider Associations, the

Virginia Association of Community Services Boards, local school divisions, stakeholder groups, and parent representatives to identify and define outcome measures to assess students' progress such as assessment scores, attendance, graduation rates, transition statistics, and return to the students' home schools.

2. Request VDOE establish a procedure requiring all assessment scores for private day students tagged as 'Special Situation' be included in the student's "home" school scores.
3. Request OCS to report annually CANS and CANVaS scores that measure educational outcomes by service placement name and type for all students being served in CSA-funded educational placements.

Finding 6 – Virginia's parent consent provisions exceed federal regulations and may hinder serving students with disabilities in the least restrictive environment.

1. Request VDOE include in the development of the statewide model IEP, an ongoing planning process which facilitates returning students with disabilities served in private placements to the public school setting. The IEP will establish an ongoing process which should commence when a student with a disability is first placed in a private day or residential school. This process should involve the parents, home school officials, CSA officials, the child's teachers, and other involved stakeholders. VDOE shall also include in its guidance to schools best practices for transitioning students from private residential and private day schools such as employing gradual transition strategies and utilization of available community-based programs. VDOE will investigate the feasibility of incorporating in the statewide model IEP Medicaid billing for services provided to eligible IEP students.

Delegate Peace thanked everyone for their participation and reminded the members that the next meeting was December 8 at 10:00 a.m. The meeting adjourned at approximately 12:24 p.m.